

## DRAFT CERCLA

### Statement of Work<sup>1</sup>

The Respondent shall:

1. ~~Continue to implement~~ measures designed to secure the remaining material in the tanks to prevent a release of hazardous substances, pollutants or contaminants, or a discharge of oil or hazardous substances. Measures designed to secure the material include, but are not limited to, pumping, transfer, isolating, placing barriers, cooling, etc.;
2. Remove ~~as much of the remaining material as possible~~ within secondary containment system, including the oil, hazardous substances, and firefighting foam;
3. ~~Continue to implement measures designed to empty the secondary containment system.~~
4. Remove ~~and recover~~ as much of the spilled material, including oil, hazardous substances, and fire-fighting foam, as possible from the facility ditch, downstream waters and shoreline, such as ~~at~~ Tucker and Buffalo Bayous, and the Houston Ship Channel. Install the necessary barriers to minimize migration of these materials further downstream;
5. Take measures designed to prevent the release of air emissions that will exceed concentrations harmful to human health and the surrounding environment;
6. ~~Submit and implement a wastewater management and disposal plan (WWMD Plan) for TCEQ review and OSC approval. The WWMD Plan shall address compliance with all Federal and State regulations and State applicable and relevant requirements, including but not limited to any existing permit requirement(s) or State order(s) and substantive Texas Water Quality standards.~~
7. ~~In accordance with the WWMD Plan,~~ manage and dispose of all recovered materials and waste, including free floating material removed from the secondary containment system, in accordance with all Federal regulations and State applicable and relevant requirements; provided, however, pursuant to 40 CFR 300.400(e)(1), no permit shall be required for ~~on-site~~ management of wastes in accordance with this statement of work, ~~any preceding or existing State order concerning the same and under the direction and instructions of the OSC.~~
8. Continue air monitoring activities in an effort to determine if a release of a hazardous substance that could be harmful to human health has occurred, ~~and communicate results with appropriate federal, state and local agencies per methods developed by the Unified Command.~~
9. Conduct ~~water sampling to evaluate the levels of contaminants released into Tucker Bayou and Buffalo Bayou. This shall include Per- and Polyfluoroalkyl Substances (PFAS).~~
10. Secure the necessary resources to accomplish the tasks described above, and,
11. Implement any additional response actions as deemed necessary by the Federal On-Scene Coordinator.

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**Deleted:** Respondent may use its on-site wastewater treatment system to store and process remediation wastewaters and discharge such wastewater at the facility's outfalls so long as any discharges from such storage, treatment and discharge meets federal regulations and state applicable and relevant requirements, including, for example, Texas water quality standards

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<sup>1</sup> Revised from the §311 SOW